

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SEQUOYAH DESERTHAWK
KIDWELL, also known as Jason Scott
Harper,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATIONS, et al.,

Defendants.

Case No. 1:22-cv-00253-JLT-EPG (PC)

ORDER DIRECTING CLERK OF COURT TO
CLOSE CASE IN LIGHT OF PLAINTIFF'S
NOTICE OF VOLUNTARY DISMISSAL

(ECF NO. 19)

On July 8, 2022, Plaintiff Sequoyah Deserthawk Kidwell filed a notice of voluntary dismissal (ECF No. 19), pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), as Defendants have not filed an answer or motion for summary judgment. In light of Plaintiff's notice of voluntary dismissal, this case has ended.¹

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¹ The Court notes that Plaintiff states that he is dismissing this case because this Court is corrupt and is helping to coverup the crimes of Defendants. Plaintiff offers no evidence or developed argument in support of these assertions; rather, his dissatisfaction with the Court appears based on the findings and recommendations that this case be dismissed without leave to amend. (*See* ECF No. 18). Regardless, the reason for the dismissal is ultimately immaterial, as "a plaintiff has an absolute right to voluntarily dismiss his action prior to service by the defendant of an answer or a motion for summary judgment." *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997).

1 Accordingly, the Clerk of Court is respectfully directed to close the case.²

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3 IT IS SO ORDERED.

4 Dated: July 11, 2022

/s/ Eric P. Grogan
5 UNITED STATES MAGISTRATE JUDGE

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26 ² Rule 41(a)(1)(b) provides as follows: “Unless the notice or stipulation states otherwise, the dismissal is
27 without prejudice. But if the plaintiff previously dismissed any federal- or state-court action based on or
28 including the same claim, a notice of dismissal operates as an adjudication on the merits.” The Court notes
that the findings and recommendations in this case recommended dismissal, in part, based on duplicative
claims being contained in 1:22-cv-290-JLT-SAB, which case has since been dismissed due to Plaintiff’s
notice of voluntary dismissal. (ECF No. 18, p. 11); (1:22-cv-290-JLT-SAB (ECF No. 19)).